

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

UNITED STATES OF AMERICA

v.

MOHAMAD IBRAHIM SHNEWER,
DRITAN DUKA,
a/k/a "Distan Duka,"
a/k/a "Anthony Duka,"
a/k/a "Tony Duka,"
ELJVIR DUKA,
a/k/a "Elvis Duka,"
a/k/a "Sulayman,"
SHAIN DUKA,
SERDAR TARTAR, and
AGRON ABDULLAHU

Crim. No. 07-459 (RBK)

ORDER

THIS MATTER having come before the Court on motions by Defendants (1) to change venue (Docket Entry No. 169); (2) to suppress evidence (Docket Entry Nos. 167, 170); (3) for severance pursuant to Bruton (Docket Entry Nos. 167, 173, 176); (4) to preserve rough notes (Docket Entry Nos. 176, 180); (5) to comply with all obligations pursuant to Brady, Giglio, Jencks (Docket Entry Nos. 172, 176, 180); (6) for expert disclosures (Docket Entry Nos. 179, 180); (7) for dismissal of Count one of the Indictment due to entrapment and outrageous government conduct (Docket Entry No. 180); (8) to sever (Docket Entry No. 180); (9) to strike surplusage from the Superseding Indictment (Docket Entry Nos. 167, 174, 176, 179, 180); (10) to strike multiplicitous and duplicitous usage from the Superseding Indictment (Docket Entry No. 167); (11) for a bill of particulars concerning paragraph 14 of the Superseding Indictment (Docket Entry No. 180); (12) to suppress post-arrest statements made by Tatar (Docket Entry No.

176); (13) to suppress Dritan Duka's post-arrest statement (Docket Entry No. 167); and (14) to join in codefendants' pretrial motions (Docket Entry Nos. 167, 175, 179, 180, 184); and the Court having considered the moving papers, the opposition thereto, and the arguments of counsel on the record on August 1, 2008; and for the reasons expressed on the record on August 1, 2008;

IT IS HEREBY **ORDERED** that Defendants' motion to change venue is **DENIED without prejudice**;

IT IS FURTHER **ORDERED** that Defendants' motions to suppress evidence are **DENIED**;

IT IS FURTHER **ORDERED** that Defendants' motions for severance pursuant to Bruton are **DENIED**;

IT IS FURTHER **ORDERED** that Defendants' motions to preserve rough notes are **DENIED without prejudice**;

IT IS FURTHER **ORDERED** that Defendants' motions to comply with all obligations pursuant to Brady, Giglio, and Jencks are **DENIED without prejudice**;

IT IS FURTHER **ORDERED** that Defendants' motions for expert disclosures are **DENIED without prejudice**;

IT IS FURTHER **ORDERED** that Defendants' motion for dismissal of Count One of the Superseding Indictment due to entrapment and outrageous government conduct is **DENIED**;

IT IS FURTHER **ORDERED** that Defendants' motion to sever is **DENIED without prejudice**;

IT IS FURTHER **ORDERED** that Defendants' motions to strike surplusage from the Superseding Indictment are **DENIED**; however, until after the close of evidence, paragraph 3

of the Superseding Indictment will be summarized for the jury, not read;

IT IS FURTHER **ORDERED** that Defendants' motion to strike multiplicitous and duplicitous usage from the Superseding Indictment is **DENIED**;

IT IS FURTHER **ORDERED** that Defendants' motion for a bill of particulars concerning paragraph 14 of the Superseding Indictment is **DENIED**;

IT IS FURTHER **ORDERED** that Shnewer's motion to suppress post-arrest statements made by Tatar is **DENIED**;

IT IS FURTHER **ORDERED** that Defendants' motions to join in codefendants' pretrial motions are **GRANTED**;

The Court reserves ruling on the motion by Dritan Duka to suppress his post-arrest statement pending an evidentiary hearing scheduled for August 7, 2008.

Dated: 8-5-08

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge